

8. (Amended) The method of claim 7 additionally comprising linearizing the [transcript of] single-stranded cDNA including the sequence of interest.

A 1 SUB B2 9. (Amended) The method of claim 8 wherein the transcript of the sequence of interest is linearized by [including] a restriction endonuclease [gene in the cassette and], the sequence of interest including an inverted tandem repeat [forming] comprising a restriction endonuclease site in the [sequence of interest and the transcript of the sequence of interest forms] single-stranded cDNA when formed into a stem-loop intermediate by Watson-Crick base pairing of the inverted tandem repeat, the restriction endonuclease [produced by the reverse transcription gene] cutting the stem-loop intermediate at the restriction endonuclease site [formed by the tandem inverted repeat].

Add the following new claims:

13. The method of claim 7 additionally comprising inducibly promoting transcription of the sequence of interest.

A 2 14. The method of claim 13 wherein transcription of the sequence of interest is promoted by a eukaryotic promoter.

A 3 SUB B3 15. The method of claim 9 wherein the restriction endonuclease transcribed from the restriction endonuclease gene is specific for the restriction endonuclease site formed by Watson-Crick base pairing of the inverted tandem repeat.

REMARKS

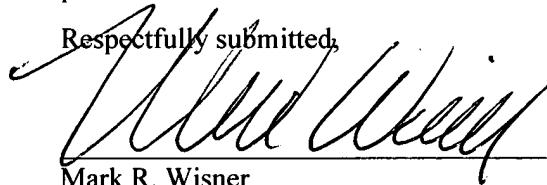
In the Official Action of March 16, 2000, the absence of a sequence listing complying with the requirements of 37 C.F.R. §§1.821 *et seq.* was noted and restriction was required between the claims in Group I (claims 1-6 and 12) and Group II (claims 7-11). Responsive to the requirement for a sequence listing, enclosed with this Response is a Response to Notice to Comply with Requirements for Sequence Disclosures. Responsive to the restriction requirement, Applicant hereby elects the claims in Group II, claims 7-11, for continued prosecution, with traverse. It is noted also that new claims 13-15 set out above all depend (directly or indirectly) from independent claim 7 and it is therefore intended that new claims 13-15 be included in Group II and be elected for continued prosecution.

In traversing this restriction requirement, Applicant does not take issue with, and instead expressly affirms, the finding that the two groups of claims are distinct. The traversal of the restriction requirement is based on the lack of a showing in the Action of the serious burden that would be imposed if all the claims were examined in a single application. MPEP §803 (see item (2) under the heading "Criteria for Restriction Between Patentably Distinct Inventions").

Specifically, although it is alleged that the distinct inventions "have acquired a separate status in the art as shown by their different classification," MPEP §808.02(1) requires not only that the action demonstrate that the distinct inventions have acquired separate status in the art by showing their separate classification, but also that "a separate field of search" is required. No such showing is made out in the Official Action of March 16, 2000 in the captioned application. In the absence of such a showing, no *prima facie* showing of the need for restriction of the claims in Groups I and II has been established. The lack of that showing is the basis for Applicant's traversal of this requirement.

Reconsideration and withdrawal of the restriction requirement, entry of the above amendments and new claims, early and favorable action on the claims, and passage of the application to issuance are respectfully requested. In the event there are questions, attention is directed to the new address and telephone number of Applicant's counsel set out below and in the enclosed Notice of Change of Correspondence Address.

Respectfully submitted,



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